



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OTTILIE WILLS,)	NO. CV 14-665 UA
)	(DUTYx)
Plaintiff,)	
v.)	ORDER SUMMARILY REMANDING
)	IMPROPERLY-REMOVED ACTION
VANESSA WATSON,)	
AND DOES 1 TO 5,)	
Defendants.)	

The Court will remand this unlawful detainer action to state court summarily because Defendant VANESSA WATSON ("Defendant") removed it improperly.

On January 28, 2014, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To

1 prevent the action from remaining in jurisdictional limbo, the
2 Court issues this Order to remand the action to state court.
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4 Under 28 U.S.C. § 1331, district courts "have original
5 jurisdiction of all civil actions arising under the Constitution,
6 laws, or treaties of the United States." Federal jurisdiction is
7 presumed absent unless defendant, as the party seeking to invoke
8 the court's jurisdiction, shows that plaintiff has either alleged
9 a federal cause of action, American Well Works Co. v. Layne &
10 Bowler Co., 241 U.S. 257, 260 (1916), a state cause of action that
11 turns on a substantial dispositive issue of federal law, Franchise
12 Tax Board v. Construction Laborers Vacation Trust, 463 U.S. 1, 9
13 (1983), or a state cause of action that Congress has transformed
14 into an inherently federal cause of action by completely preempting
15 the field of its subject matter. Metropolitan Life Ins. Co. V.
16 Taylor, 481 U.S. 58, 65 (1987). Under 28 U.S.C. § 1332(a),
17 "district courts also have original jurisdiction of all civil
18 actions where the matter in controversy exceeds the sum or value of
19 \$75,000, exclusive of interest and costs, and is between . . .
20 citizens of different states." See also Matheson v. Progressive
21 Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003).
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23 Defendant's notice of removal only asserts that removal is
24 proper based upon federal question jurisdiction, pursuant to 28
25 U.S.C. §§ 1331 and 1446. As set forth above, section 1331 provides
26 that Federal Courts shall have original jurisdiction over all civil
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1 actions arising under the Constitution, laws or treaties of the
2 United States. Section 1446 sets forth the procedures for removal
3 of civil action. However, the underlying unlawful detainer action
4 does not raise any federal legal question. Nor does it appear that
5 federal law is a necessary element of any of plaintiff's claims.
6 See Wells Fargo Bank v. Lapeen, No. C 11-01932 LB, 2011 WL 2194117,
7 *3 (N.D. Cal. June 6, 2011) ("an unlawful detainer action, on its
8 face, does not arise under federal law but is purely a creature of
9 California law," citing Wescom Credit Union v. Dudley, No. CV 10-
10 8203-GAF (SSx), 2010 WL4916578, *2 (C.D. Cal. Nov. 22, 2010)
11 (remanding an action to state court for lack of subject matter
12 jurisdiction where plaintiff's complaint contained only an unlawful
13 detainer claim).

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15 Simply put, this action could not have been originally filed
16 in federal court, because the complaint does not competently allege
17 facts supplying either diversity or federal-question jurisdiction,
18 and therefore removal is improper. 28 U.S.C. § 1441(a); see Exxon
19 Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563 (2005).
20 Moreover, defendant has not alleged complete diversity of
21 citizenship between the parties and has not set forth any facts to
22 establish that the amount in controversy exceeds \$75,000. See 28
23 U.S.C. § 1332(a).

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25 Defendant is further notified and warned that any subsequent
26 attempts to remove the underlying state unlawful detainer action to
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1 this Court will be improper and will constitute vexatious conduct
2 that the Court will address by way of punitive remedial measures,
3 which may include having defendant designated as a vexatious
4 litigant and barred from commencing any further removal actions
5 with respect to the underlying state unlawful detainer action.
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7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to
8 the Superior Court of California, County Of Los Angeles, 111 N.
9 Hill Street, Los Angeles, California 90012, for lack of subject
10 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the
11 Clerk send a certified copy of this Order to the state court; and
12 (3) that the Clerk serve copies of this Order on the parties.
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14 IT IS SO ORDERED.
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16 DATED: 1/31/14
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20 GEORGE H. KING
21 CHIEF UNITED STATES DISTRICT JUDGE
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